

LAW OFFICES OF STEVE GIMBLIN

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re:**PATRICIA LYNN ARCHULETA,****Debtor(s)**

Case No. 19-26046
RSG-001

MOTION TO AVOID LIEN

Date: February 13, 2020
Time: 10:30 AM
Place: 501 I St., 7th Fl
Dept. B, Courtroom 33
Sacramento, CA 95814
Judge: Fredrick E. Clement

PATRICIA LYNN ARCHULETA,**Movant,
v.****SIERRA CENTRAL CREDIT UNION,****Respondent.****TO THE COURT AND ALL PARTIES IN INTEREST:**

Debtor, PATRICIA LYNN ARCHULETA (hereinafter "Debtor"), by and through her attorney of record hereby moves this Court for an order avoiding judicial lien. This motion is based on the notice of motion, declaration of the Debtor, the Debtor's schedules, the attached exhibits, any and all oral argument the Court may entertain and the following:

1. This case was commenced with the filing of a petition on September 27, 2019.
2. This motion is brought pursuant to 11 USC § 522(f)(1)(A).
3. As shown in Debtor's schedule A, the Debtor has an interest in certain real property commonly known as 615 Spring Creek Court, Yuba City, CA 95991 (hereinafter the "Property"). See



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Debtor's Schedule A on file with the Court.

4. The Debtor has placed a value of \$340,000.00 on the Property. This asserted value is based upon the opinion of the Debtor. See declaration of the Debtor concurrently filed in support of this motion is incorporated herewith.

5. As shown in schedule C of the instant case, the Debtors have claimed an exemption in the amount of \$162,673.14 Please see Debtor's schedule C.

6. Sierra Central Credit Union ("Creditor") holds a judicial lien against the Property in the approximate amount of \$9,320.60 (as recorded). See Exhibit A attached herewith Abstract of judgment recorded by Sierra Central Credit Union.

7. The movant avers that the judgment is voidable in the absence of an underlying attachable "res" per *In re Thomas*, 102 B.R. 199 (Bankr.E.D.Cal. 1989).

8. Debtor asserts that the lien is not related to a domestic support obligation.

9. California Department of Veteran Affairs holds a first position security interest in the Property in the scheduled amount of \$177,326.86.

10. The existence of Creditor's lien on Debtor's Property impairs the exemption to which the Debtor has claimed on her schedules, and would be entitled to under 11 USC §522(b).

WHEREFORE, Debtor moves this Court for an order avoiding judicial lien held by Creditor.

Respectfully Submitted,

Dated: January 2, 2020

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By: /s/ Steve Gimblin
STEVE GIMBLIN
Attorney for Debtor